

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

*Ex parte* DANIEL E. WILKOSZ and  
MATTHEW J. ZALUZEC

Application No. 09/467,074

MAILED

FEB 28 2006

U.S. PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

**ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER**

This application was electronically received at the Board of Patent Appeals and Interferences on January 27, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matter requiring attention prior to docketing is identified below.

An Order Returning Undocketed Appeal was mailed on September 19, 2005 requesting the examiner to consider the Information Disclosure Statement (IDS) filed January 26, 2005. It is not apparent from the record that the examiner properly considered the IDS submitted nor notified appellants of why his submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98.

Accordingly, it is

ORDERED that the application is returned to the Examiner for  
1) consideration of the January 26, 2005 IDS, 2) written notification to appellant  
regarding the result of the examiner's consideration, and 3) for such further action as  
may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

  
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